

**REPORT OF THE AUDIT OF THE  
GARRARD COUNTY  
CLERK**

**For The Year Ended  
December 31, 2010**



**CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS  
[www.auditor.ky.gov](http://www.auditor.ky.gov)**

**209 ST. CLAIR STREET  
FRANKFORT, KY 40601-1817  
TELEPHONE (502) 564-5841  
FACSIMILE (502) 564-2912**



## **EXECUTIVE SUMMARY**

### **AUDIT EXAMINATION OF THE GARRARD COUNTY CLERK**

**For The Year Ended  
December 31, 2010**

The Auditor of Public Accounts has completed the Garrard County Clerk's audit for the year ended December 31, 2010. Based upon the audit work performed, the financial statement presents fairly in all material respects, the revenues, expenditures, and excess fees in conformity with the regulatory basis of accounting.

#### **Financial Condition:**

Excess fees increased by \$29,635 from the prior year, resulting in excess fees of \$145,744 as of December 31, 2010. Revenues increased by \$142,431 from the prior year and expenditures increased by \$112,796.

#### **Report Comment:**

2010-01 The County Clerk Should Implement Approval Procedures For Voided Transactions  
And Review Weekly Reports

#### **Lease Agreement:**

The County Clerk had one outstanding lease agreement for computer hardware and software totaling \$157,608 as of December 31, 2010.

#### **Deposits:**

The County Clerk's deposits were insured and collateralized by bank securities.



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**CRIT LUALLEN**  
**AUDITOR OF PUBLIC ACCOUNTS**

The Honorable John Wilson, Garrard County Judge/Executive  
The Honorable Stacy May, Garrard County Clerk  
Members of the Garrard County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of revenues, expenditures, and excess fees - regulatory basis of the County Clerk of Garrard County, Kentucky, for the year ended December 31, 2010. This financial statement is the responsibility of the County Clerk. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the County Clerk's office prepares the financial statement on a regulatory basis of accounting that demonstrates compliance with the laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the revenues, expenditures, and excess fees of the County Clerk for the year ended December 31, 2010, in conformity with the regulatory basis of accounting described in Note 1.

In accordance with Government Auditing Standards, we have also issued our report dated August 18, 2011 on our consideration of the Garrard County Clerk's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



The Honorable John Wilson, Garrard County Judge/Executive  
The Honorable Stacy May, Garrard County Clerk  
Members of the Garrard County Fiscal Court

Based on the results of our audit, we have presented the accompanying comment and recommendation, included herein, which discusses the following report comment:

2010-01 The County Clerk Should Implement Approval Procedures For Voided Transactions  
And Review Weekly Reports

This report is intended solely for the information and use of the County Clerk and Fiscal Court of Garrard County, Kentucky, and the Commonwealth of Kentucky and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen  
Auditor of Public Accounts

August 18, 2011



GARRARD COUNTY  
STACY MAY, COUNTY CLERK  
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2010

Revenues

State Grant - Libraries and Archives	\$	3,746	
House Bill 537 - Revenue Supplement			61,845
State Fees For Services			5,224
Fiscal Court			20,567
Licenses and Taxes:			
Motor Vehicle-			
Licenses and Transfers	\$	489,044	
Usage Tax		632,636	
Tangible Personal Property Tax		1,250,812	
Other-			
Fish and Game Licenses		5,274	
Marriage Licenses		3,479	
Deed Transfer Tax		31,288	
Delinquent Tax		331,811	2,744,344
Fees Collected for Services:			
Recordings-			
Deeds, Easements, and Contracts		8,957	
Real Estate Mortgages		24,603	
Chattel Mortgages and Financing Statements		34,981	
Powers of Attorney		732	
Affordable Housing Trust		18,618	
All Other Recordings		19,500	
Charges for Other Services-			
Candidate Filing Fees		1,550	
Copywork		4,446	113,387
Other:			
Miscellaneous		4,322	
Refunds/Overpayments		7,877	12,199
Interest Earned			1,103
Total Revenues			2,962,415

The accompanying notes are an integral part of this financial statement.

GARRARD COUNTY  
 STACY MAY, COUNTY CLERK  
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS  
 For The Year Ended December 31, 2010  
 (Continued)

Expenditures

Payments to State:

Motor Vehicle-

Licenses and Transfers	\$ 342,200
Usage Tax	613,711
Tangible Personal Property Tax	461,876

Licenses, Taxes, and Fees-

Fish and Game Licenses	5,864
Delinquent Tax	29,237
Legal Process Tax	13,077
Affordable Housing Trust	18,618
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	\$ 1,484,583

Payments to Fiscal Court:

Tangible Personal Property Tax	88,977	
Delinquent Tax	20,193	
Deed Transfer Tax	29,723	138,893
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Payments to Other Districts:

Tangible Personal Property Tax	640,359	
Delinquent Tax	175,433	815,792
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Payments to Sheriff

29,034

Payments to County Attorney

44,290

Operating Expenditures:

Personnel Services-

Deputies' Salaries	129,838
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Employee Benefits-

Employer's Share Social Security	15,137
Employer's Paid Health Insurance	83

Contracted Services-

Microfilming and Indexing	47,328
Plat Cabinet	3,746
Employee Training	312

The accompanying notes are an integral part of this financial statement.

GARRARD COUNTY  
 STACY MAY, COUNTY CLERK  
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS  
 For The Year Ended December 31, 2010  
 (Continued)

Expenditures (Continued)

Operating Expenditures: (Continued)

Materials and Supplies-			
Office Supplies	\$	317	
Other Charges-			
Conventions and Travel		15,008	
Dues and Memberships		3,069	
Postage		76	
Bank Fees		10	
Miscellaneous		5,827	
			\$ 220,751
Total Expenditures			<u>\$ 2,733,343</u>
Net Revenues			229,072
Less: Statutory Maximum			<u>76,104</u>
Excess Fees			152,968
Less: Expense Allowance		3,600	
Training Incentive Benefit		3,624	<u>7,224</u>
Excess Fees Due County for 2010			145,744
Payments to Fiscal Court - March 15, 2011			145,737
April 5, 2011			<u>7</u>
Balance Due Fiscal Court at Completion of Audit			<u><u>\$ 0</u></u>

The accompanying notes are an integral part of this financial statement.

GARRARD COUNTY  
NOTES TO FINANCIAL STATEMENT

December 31, 2010

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of revenues over expenditures to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the County Clerk as determined by the audit. KRS 64.152 requires the County Clerk to settle excess fees with the fiscal court by March 15 each year.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this regulatory basis of accounting, revenues and expenditures are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive), at December 31 that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2010 services
- Reimbursements for 2010 activities
- Payments due other governmental entities for December tax and fee collections and payroll
- Payments due vendors for goods or services provided in 2010

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the County Clerk's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

GARRARD COUNTY  
NOTES TO FINANCIAL STATEMENT  
December 31, 2010  
(Continued)

Note 2. Employee Retirement System

The county official and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a cost sharing, multiple employer defined benefit pension plan, which covers all eligible full-time employees and provides for retirement, disability and death benefits to plan members. Benefit contributions and provisions are established by statute.

Nonhazardous covered employees are required to contribute 5 percent of their salary to the plan. Nonhazardous covered employees who begin participation on or after September 1, 2008 are required to contribute 6 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 16.16 percent for the first six months and 16.93 percent for the last six months.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65. Nonhazardous employees who begin participation on or after September 1, 2008 must meet the rule of 87 (members age plus years of service credit must equal 87, and the member must be a minimum of 57 years of age) or the member is age 65, with a minimum of 60 months service credit.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report which is a matter of public record. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, Kentucky 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The Garrard County Clerk maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1) (d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the County Clerk and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the County Clerk's deposits may not be returned. The Garrard County Clerk does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of December 31, 2010, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

GARRARD COUNTY  
NOTES TO FINANCIAL STATEMENT  
December 31, 2010  
(Continued)

Note 4. Libraries and Archives Grant

The Garrard County Clerk received a local records microfilming grant from the Kentucky Department for Libraries and Archives in the amount of \$3,746. Funds totaling \$3,746 were expended during the year. The unexpended grant balance was \$0 as of December 31, 2010.

Note 5. Lease Agreement

The Office of the County Clerk was committed to a lease agreement with Software Management for computer hardware and software. The agreement requires a monthly payment of \$3,921 for 60 months to be completed May 10, 2014 and a yearly payment of \$256 for the duration of the contract. The total balance of the agreement was \$157,608 as of December 31, 2010.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND  
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL  
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS







CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS

The Honorable John Wilson, Garrard County Judge/Executive  
The Honorable Stacy May, Garrard County Clerk  
Members of the Garrard County Fiscal Court

Report On Internal Control Over Financial Reporting And  
On Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards

We have audited the statement of revenues, expenditures, and excess fees - regulatory basis of the Garrard County Clerk for the year ended December 31, 2010, and have issued our report thereon dated August 18, 2011. The County Clerk's financial statement is prepared in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Garrard County Clerk's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the County Clerk's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the County Clerk's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses and therefore, there can be no assurance that all deficiencies, significant deficiencies, or material weaknesses have been identified. However, as described in the accompanying comment and recommendation, we identified a certain deficiency in internal control over financial reporting that we consider to be a material weakness.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiency described in the accompanying comment and recommendation as item 2010-01 to be a material weakness.



Report On Internal Control Over Financial Reporting And  
On Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards  
(Continued)

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Garrard County Clerk's financial statement for the year ended December 31, 2010, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

The Garrard County Clerk's response to the finding identified in our audit is included in the accompanying comment and recommendation. We did not audit the County Clerk's response and, accordingly, we express no opinion on it.

This report is intended solely for the information and use of management, the Garrard County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Crit Luallen', with a long horizontal flourish extending to the right.

Crit Luallen  
Auditor of Public Accounts

August 18, 2011

COMMENT AND RECOMMENDATION



GARRARD COUNTY  
STACY MAY, COUNTY CLERK  
COMMENT AND RECOMMENDATION

For The Year Ended December 31, 2010

INTERNAL CONTROL - MATERIAL WEAKNESS:

2010-01    The County Clerk Should Implement Approval Procedures For Voided Transactions  
And Review Weekly Reports

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During 2010, the County Clerk did not have approval procedures in place for voided transactions. An employee was able to conduct transactions and then void all or part of the transaction with no approval from a senior employee. This resulted in approximately 717 transactions totaling \$16,714 being altered during the year and deposits being reduced to match the altered records by an employee of the office. This same employee was also responsible for preparing the weekly reports. The County Clerk reviewed the weekly recapitulation summary report for agreement to the ledgers and bank deposits. However, due to the employee's manipulation of individual transactions not reflected in the summary report and the absence of an approval process for voided transactions, the altered transactions were undetected. We recommend the County Clerk implement procedures to require at least a second approval for any voided transaction. We also recommend the County Clerk or another employee double check the weekly reports and scan for any unusual transactions.

This matter has been investigated by law enforcement and an employee has been indicted by the Grand Jury and is still pending trial. We recommend the County Clerk consult with the surety bond company and law enforcement to determine how the County Clerk's office can receive restitution for these missing funds.

*County Clerk's Response: The County Clerk has implemented internal controls which cover voided transactions in re to weekly reports as well as various other procedures to ensure accuracy and efficiency in the day to day operations of the office of County Clerk. As recommended the County Clerk is scanning voids and individual transactions on a regular basis. Random checks are being made by the County Clerk for deposit/recapitulation totals.*

